

Response to Restriction Requirement

for Serial No. 09/656,325

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claimed inventions, or that they represent all of the patentably distinct features presented by the claims.

Remarks

The restriction requirement is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803. One of the "two criteria for a proper requirement for restriction between patentably distinct inventions" is that "[t]here must be a serious burden on the examiner if restriction is not required . . ." MPEP § 803 (emphasis added). While "[f]or purposes of the initial requirement a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search . . . [t]hat prima facie showing may be rebutted by appropriate showings or evidence by the applicant." MPEP § 803 (emphasis added).

The Applicant rebuts the Examiner's *prima facie* showing in this case as follows. The fields of search required to search the respective apparatus and method claims are essentially coextensive. For example, methods for using a pyrotechnic device (Group III) can be expected to be disclosed in patents for pyrotechnic devices (Group II) and for

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networked ordnance systems, which incorporate pyrotechnic devices (Group i), and vice versa. An appropriate field of search for any of these inventions will include the patents directed to all three inventions. For this reason, examining both apparatus and method claims in the same application does not present a serious burden in this instance. The restriction requirement should therefore be withdrawn.

The election requirement has been fairly met because claims 1, 4-13, 31-34 and 62-65 of Group I as elected herein are understood to be readable on the species B. Should the Examiner disagree with Applicants' identification of claims, the Examiner is requested to promptly call the undersigned so that prosecution on the merits can proceed without further delay.

Please charge any fees due in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,



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